

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:17cr438-MHT
)	(WO)
JASON MOSLEY)	

ORDER

This case comes before the court on a request by the Federal Bureau of Prisons (BOP) for a 90-day extension of the period to conduct a mental-health study of defendant Jason Mosley. On April 2, 2021, Mosley pled guilty to seven violations of conditions of his supervised release. The court continued sentencing generally pending Mosley's successful completion of an inpatient treatment program. See Judgment (Doc. 62). Subsequently, the supervising probation officer alleged two additional violations, see Motion to Amend Petition for Revocation (Doc. 63), and Mosley was arrested. On June 21, 2021, the court ordered Mosley to be committed to a BOP facility for a mental-health evaluation to aid in fashioning an appropriate sentence pursuant to 18 U.S.C. § 3552(b).

See Opinion and Order (Doc. 73). Mosley consented to the evaluation.

The period of a study ordered under 18 U.S.C. § 3552(b) "shall be no more than sixty days." 18 U.S.C. § 3552(b). However, "[t]he period of the study may, in the discretion of the court, be extended for an additional period of not more than sixty days." *Id.*

In the June 21 order, the court ordered that this statutory period "shall commence on the day defendant Mosley arrives at the designated institution." See Opinion and Order (Doc. 73) at 6. Mosley arrived at the Federal Detention Center, Miami, on August 6, 2021. See BOP Request for Extension (Doc. 74) at 1. Thus, the original 60-day period for the study ended on October 5, 2021. In light of operational difficulties related to COVID-19, the BOP requests a 90-day extension of the period in which to complete the study. Based on the representations on the record on October 6, 2021, that neither party opposes the requested extension, the court concludes that an extension is warranted. However, under

§ 3552(b), the court has the authority to grant an extension of up to only 60 days. Defense counsel suggested that he could discuss with Mosley the possibility of a waiver as to the additional 30 days. Based on this representation, the court will grant a 60-day extension of the period of the study, and defense counsel is to file with the court a statement indicating whether Mosley consents to a further 30-day extension.

Accordingly, it is ORDERED that:

(1) The request by the Federal Bureau of Prisons for a 90-day extension of the period in which to conduct the mental-health study of defendant Jason Mosley (Doc. 74) is granted in part to the extent that the court grants the statutorily authorized 60-day extension. On or before 120 days from the date that defendant Mosley arrived at the Federal Detention Center, Miami, the Bureau of Prisons shall complete the mental-health study previously ordered and file a report with its findings to this court.

(2) Within 14 days, defense counsel shall file with the court a statement indicating whether defendant Mosley consents to a further 30-day extension.

(3) The clerk of the court is to furnish a copy of this order to Warden E. K. Carlton at the Federal Detention Center, Miami.

DONE, this the 7th day of October, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE